

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RUTH DOUGLAS, on behalf of herself and
all others similarly situated,

Plaintiffs,

vs.

ARCADIA HEALTH SERVICES, INC., and
DOE 1 through 100,

Defendants.

Case No: C 11-3552 SBA

**ORDER GRANTING PLAINTIFF'S
RENEWED MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AND DEFENDANT'S EX PARTE
APPLICATION FOR TO
ACCELERATE TIME LINES**

Dkt. 28, 30

The parties are presently before the Court on Plaintiff's Renewed Motion for Preliminary Approval of Class-Action Settlement, Conditional Certification of Settlement Class, and Approval of Notice Program (Dkt. 28) and Defendant Arcadia Health Services, Inc.'s ("AHS") Motion for Administrative Relief Pursuant to Civil Local Rule 7-11 to Accelerate Time Lines (Dkt. 30). Good cause appearing,

IT IS HEREBY ORDERED that both of the aforementioned motions are GRANTED, as set forth below:

1. All defined terms contained in this Order shall have the same meaning as set forth in the Settlement Agreement and General Release ("Settlement Agreement"), which is attached to the Declaration of Alan Harris as Exhibit 1 (Dkt. 29-1).

2. The Court preliminarily finds, based on a review of the papers submitted, that the proposed Settlement is the result of informed and non-collusive negotiations, has no obvious deficiencies, does not impermissibly provide preferential treatment to the Class Representative or segments of the Class, and falls within the "range of reasonableness." For these reasons, the Court preliminarily approves the Settlement.

3. For settlement purposes only, pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(3), the Court conditionally certifies the following settlement class: “All former and current AHS Hourly Employees employed from June 15, 2007, to the date of entry of preliminary approval of the Settlement (‘Class’ or ‘Settlement Class’).”

4. Pursuant to Rule 23(g), the Court appoints Alan Harris and Abigail Treanor of Harris & Ruble and David S. Harris and North Bay Law Group as Class Counsel for purposes of settlement only.

5. The Court appoints Ruth L. Douglas as the Class Representative for purposes of settlement only.

6. The Court appoints Gilardi & Co., LLC, as the Claims Administrator.

7. A Fairness Hearing for final approval of the Settlement shall take place on **April 17, 2012 at 1:00 p.m.** in Courtroom 1 of the United States District Courthouse, Northern District of California, Oakland Division, 1301 Clay St., Fourth Fl., Oakland, CA 94612. The matter of Class Counsel’s motion for an award of attorneys’ fees and Plaintiff’s request for an incentive award also will be considered at the hearing.

8. The Court approves, as to form and content, the Notice to Class of Proposed Settlement of Class Action (“Notice”), which is attached to the Declaration of Alan Harris as Exhibit 5 (Dkt. 29-5) with the following modification set forth in Paragraph 13 below. In addition, the Notice shall be modified to include any provisions, dates and/or deadlines specified in this Order.

9. In accordance with Paragraph 11 of the Settlement, Defendant will provide to the Claims Administrator a list of Class Members and their last-known addresses, except that such disclosure shall take place within seven (7) days of the date this Order is filed.

10. Consistent with Paragraph 12 of the Settlement, within ten (10) days after receiving the Class Member information: (a) the Claims Administrator will send a Claim Form to each Class Member via first-class mail, using the most current mailing address information available; and (b) Class Counsel shall file their Motion for Award of Attorneys’ Fees and Costs.

1 11. All completed Claim Forms and exclusion requests must be postmarked by
2 no later than thirty (30) days after the mailing of the Claim Form by the Claims
3 Administrator.

4 12. Plaintiff shall file her Motion for Final Approval of the Class-Action
5 Settlement no less than thirty-five (35) days before the Fairness Hearing.

6 13. Any objections to the Settlement must be submitted to the Claims
7 Administrator, which will then file said objections with the Court at least twenty (20) days
8 prior to the Fairness Hearing. Any Class Member (personally or through an attorney
9 retained at his or her own expense) desiring to be heard at the Fairness Hearing must
10 accompany his or her objection with a Notice of Intent to Appear at the hearing. No Class
11 Member may seek to present argument to the Court at the Fairness Hearing in the absence
12 of an objection and Notice of Intent to Appear which have been timely submitted to the
13 Claim Administrator. In addition, the Court retains sole discretion as to whether to hear
14 argument on any particular objection.

15 14. At least ten (10) days prior to the Fairness Hearing, Plaintiff shall file her
16 response to all timely submitted objections. Within the same time-frame, Defendant shall
17 file its response to Plaintiff's motion for final approval and for attorneys' fees. Defendant
18 also may submit a response to the objections.

19 IT IS SO ORDERED.

20 Dated: January 17, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge